THE HON'BLE Mr. JUSTICE V. ESWARAIAH

Writ Petition No.2571 of 2006

–

Dated: February 13, 2006

Between:

Smt. P. Susheela, W/o. Sri Venkateshwar Rao,

aged about 62 years, Occ: Retd. Teacher,

Q.No.1-8-321, Balasamudram,

Hanamkonda, Warangal District.

… Petitioner

And

Principal Secretary to Government,

A.P. Municipal Administration Department,

Hyderabad, A.P., and another.

… Respondents

Order:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the second respondent.

2. It is stated that the petitioner purchased Low Income Government quarters (LIGH) bearing No.2 Rt/49, from the Government, vide registered document No.202/86 dated 03-09-1986, admeasuring 200 Sq. yards., which was originally allotted in the year 1959-60. It is stated that the said house was given Municipal No.1-8-321. It is further stated that abutting the said quarter, there is a vacant land admeasuring 466 Sq. yards, which is in occupation of the petitioner. It is further stated that on the representation made by certain encroachers of Balasamudram LIGH quarters, the Government issued Memo No.16309/D2/2000-1.M.A. dated 15-11-2000, agreeing the proposal of the Commissioner, Warangal Municipal Corporation, for regularization of the encroachments of excess lands at Balasamudram LIGH quarters on collection of land value at prevailing market rate @ Rs.1,200/- per square yard, subject to the conditions that while regularizing the encroachments, it must be ensured that minimum open space as required for any layout is kept as open space and any encroachments on this open space must be removed and the people who are not willing to pay the market value, for the encroachments should also be removed. It is further stated that pursuant to the memo, an extent of 134 Sq. yards has been regularized by collecting a market fee of Rs.1,200/- per Sq. yard. Thereafter, to regularize the remaining land also, the petitioner made an application before the second respondent and the municipal standing committee vide its Resolution at Resolution No.15 dated
31-05-2003 resolved to consider the case of the petitioner in respect of H.No.1-8-321 at Balasamudram, Hanumakonda, for regularization of 332 Sq. yards, by collecting the regularization fee at the rate of Rs.2,000 per Sq. yard. But, the said resolution has not been considered and disposed of by the second respondent.

3. Having regard to the facts and circumstances of the case, till the final decision is taken with regard to the said resolution, the petitioner shall not be dispossessed from the said encroachment.

4. The writ petition is accordingly disposed of at the admission stage.

V. ESWARAIAH, J.

February 13, 2006

MRR